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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 10-4109 PA (PJWx)	Date	June 9, 2010
Title	Quicksilver Inc., et al. v. Overseas Trading Group, LLC, et al.		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE
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Rosa Morales

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: ORDER TO SHOW CAUSE

The Court is in receipt of the Complaint filed by plaintiffs Quicksilver Inc. And Guru Denim, Inc. (collectively "Plaintiffs"). Plaintiffs have sued defendants Overseas Trading Group, LLC, Michael Smith, Mitchell Weissman, Conley National (a/k/a Santa Fe Finishing), Ivan Barenbaum, and Beall's, Inc. (collectively "Defendants") for trademark infringement and related causes of action.

Federal Rule of Civil Procedure 20(a), which allows for permissive joinder, provides:

- (1) Plaintiffs. Persons may join in one action as plaintiffs if:
 - (A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and
 - (B) any question of law or fact common to all plaintiffs will arise in the action.
- (2) Defendants. Persons . . . may be joined in one action as defendants if:
 - (A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and
 - (B) any question of law or fact common to all defendants will arise in the action.

Fed. R. Civ. Proc. 20(a); see also League to Save Lake Tahoe v. Tahoe Regional Planning Agency, 558 F.2d 914, 917 (9th Cir. 1977). "The first prong, the 'same transaction' requirement, refers to similarity in the factual background of a claim." Coughlin v. Rogers, 130 F.3d 1348, 1350 (9th Cir. 1997).

Based on the factual allegations in the Complaint, it does not appear that there is a question of fact or law common to all Plaintiffs or all Defendants. Nor is it clear that Plaintiffs' claims against

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Defendants arise out of the same transaction or occurrence. Rather, it appears that Quicksilver and Guru Denim are suing different groups of Defendants for what may amount to separate instances of infringement. The Court therefore orders Plaintiff to show cause in writing, no later than June 18, 2010, why one or more parties should not be dropped from this case for improper joinder. See Fed. R. Civ. P. 18, 20, 21; see also Coughlin, 130 F.3d at 1351 (finding misjoinder where “[e]ach claim raises potentially different issues, and must be viewed in a separate and individual light by the Court.”).

In response to this Order to Show Cause, Plaintiffs may, if they so choose, file separate actions against Defendants, with new complaints and filing fees.

IT IS SO ORDERED.